

March 6, 2003

UNITED STATES COURT OF APPEALS

For the Fifth Circuit

Charles R. Fulbruge III
Clerk

No. 01-50476

UNITED STATES OF AMERICA

Plaintiff - Appellee,

versus

REYNALDO PORTILLO-AGUIRRE

Defendant - Appellant.

Appeal from the United States District Court
for the Western District of Texas, Pecos Division

ON PETITION FOR REHEARING EN BANC

Opinion 311 F.3d 647
(5th Cir. Nov. 1, 2002)

Before REAVLEY, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:

Treating the petition for rehearing en banc as a petition for panel rehearing, the petition for panel rehearing is DENIED. The court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active

service not having voted in favor (FED. R. APP. P. 35 and 5TH CIR. R. 35), the petition for rehearing en banc is DENIED.

THE MANDATE SHALL ISSUE FORTHWITH.